

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments, and for the reasons that follow.

CLAIM OBJECTIONS

Claims 32-35 were objected to "for failing to further limit the subject matter of a previous claim." Office Action, ¶ 1. This objection is obviated by the above amendments, which cancel and rewrite claims 32-34 as new independent claims 40, 42 and 44, each of which includes all of the limitations of parent claim 1. New dependent claims 41, 43 and 45 depend from claims 40, 42 and 44, respectively, and each recites the limitations of parent claim 2, from which claims 32-35 also depended. Dependent claim 35 also is canceled, and is replaced by new claim 46, which depends from claim 44 or claim 45 (the same way claim 35 depended from claim 1 or claim 2 via claim 34). Withdrawal of the objection is now appropriate, and is respectfully requested.

CLAIM REJECTIONS

All of the previously pending claims were rejected over a newly cited reference: Spitz (FR 2 649 575). Claims 1-3, 6-16, 19-24, 32 and 36-39 were said to be anticipated by Spitz under 35 U.S.C. §102(b) (Office Action, ¶ 3); claims 4, 5, 17, 26-30 and 33-35 were said to be unpatentable over Spitz under 35 U.S.C. § 103(a) (Office Action, ¶ 5). These rejections are respectfully traversed for at least the following reasons.

The invention claimed here is a *resonant* bending wave panel-form loudspeaker assembly having a *transparent radiator panel*, and comprising a visual display screen viewable through the radiator panel. Spitz is not of this nature.

Spitz addresses the need for better low frequency sound reproduction for conventional television sets, where most of the space in the TV housing or casework is occupied by a cathode ray tube. This means that only small speakers can be fitted in the casework, thus giving poor bass or low frequency sound reproduction. Spitz suggests using a large area transparent panel in front of the TV screen and using this only as a *low* frequency speaker

driver following conventional *whole body or piston* motion driver principles. The drive for the transparent low frequency driver is necessarily outside the visible display area, and linear-acting electrodynamic motors are disclosed. The suspension is described as a roll or embossed membrane, which is generally conventional for such low frequency pistonic drivers.

On page 6 of the English translation of Spitz, at lines 3 to 6, it is stated that "in all cases, the audio frequencies reproduced by the screen will not exceed several hundreds of hertz. The higher frequencies are reproduced by one or several loudspeakers with smaller dimensions." Spitz makes it clear on page 11 of the translation, at lines 5 to 10, that the transparent driver is to be driven only in whole body motion. There it is stated that where resonance modes of the screen are excited, they "are *amortized* by the usual techniques (inertial masses based at the vibration centers, joints with the screen support made of flexible and absorbent materials, etc)" (emphasis added). Avoidance or elimination of resonance is, of course, a well-recognized imperative where a pistonic speaker diaphragm is concerned.

It is clear, therefore, that the teaching in Spitz is of a conventional pistonic speaker and not of a resonant panel radiator as claimed in the present application. Claim 1 of the present application also requires that one or more marginal portions of the radiator are clamped or restrained, which is not taught by Spitz or indeed appropriate for a pistonic diaphragm.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date APR 05 2004

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

By



Alan I. Cantor
Attorney for Applicants
Registration No. 28,163